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C O N F I D E N T I A L SECTION 01 OF 04 SARAJEVO 001090

SIPDIS

DEPARTMENT FOR AMBASSADOR WILLIAMSON; FROM AMBASSADOR
ENGLISH

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SUBJECT: BOSNIA - SCENESETTER FOR AMBASSADOR WILLIAMSON'S
JULY 8-12 VISIT TO SARAJEVO

REF: SARAJEVO 1087

Classified By: Ambassador Charles English. Reason 1.4(b) and (d)

11. (C) SUMMARY: We are looking forward to your July 8-12 visit to Bosnia, and I am pleased that you will be able to join me on July 11 for the commemoration in Srebrenica of the 1995 genocide that took place in and around the municipality. Your participation in the event will signal, particularly to the Bosniaks, a strong USG commitment to war crimes prosecution and to national reconciliation. In addition to your participation in the July 11 commemoration, you will meet with the leadership of state-level judicial institutions and Prime Minister Nikola Spiric. These meetings are an opportunity to advance our war crimes/judicial reform agendas in Bosnia, including underscoring Washington's strong support for 1) state-level judicial institutions and further reforms aimed at strengthening them; 2) the adoption of a robust National War Crimes Strategy; and, 3) the extension of international secondees for both war crimes and organized crime at the State Prosecutor's Office and the State Court. It will be particularly important to press this last point with Spiric and Minister of Justice Colak. It would also be helpful if you pressed Spiric to appoint the Governing Board of the Srebrenica-Potocari Memorial Center, which his colleagues in Republika Srpska (RS) are blocking. Your visit occurs against the backdrop of continued political controversy over Srebrenica (this year it is about the Bosniak candidate for mayor for the October municipal elections), rising Serb nationalism, particularly as it relates to discussions about the 1992-1995 war and war crimes, and repeated statements and actions by RS PM Milorad Dodik aimed at undermining state-level institutions, including judicial institutions. All of these issues are likely to come up during your meetings and press opportunity. END SUMMARY

The Politics of Srebrenica

12. (C) Your June 2007 visit came in the midst of the political crisis over the ICJ verdict that genocide occurred in and around Srebrenica in July 1995. Your visit this year coincides with another Srebrenica-related controversy: the selection of the Bosniak candidate for mayor for the October municipal elections. In May, we brokered a political agreement resulting in passage of an amendment to the BiH Election Law that provides all 1991 residents of Srebrenica municipality the option to vote there in the upcoming municipal elections. The aim was to level the political playing field for Bosniaks, whose demographic profile in Srebrenica reflects the genocide and ethnic cleansing that

occurred there, and provide them a reasonable opportunity to retain control of the mayoralty. With this in mind, the two leading Bosniak political parties, the Party for Democratic Action (SDA) and the Party for BiH (SBiH), have agreed to field a single Bosniak candidate for mayor.

13. (C) On June 19, SDA President Sulejman Tihic announced that the nominee will be Camil Durakovic, the face of the 2007 Srebrenica secession movement. Durakovic is strongly opposed by Srebrenica residents, including the Mothers of Srebrenica, and the Islamic Community. We have also made clear to Tihic and others in the SDA hierarchy our grave disappointment with Durakovic's nomination, stressing that nominating a separatist undermines our ability to broker further compromises among Bosnian political leaders and to assist the people of Srebrenica. We have also worked hard privately to reverse the decision and warned about the consequences for SDA's relationship with the U.S. if the party goes ahead with Durakovic. We have refrained, thus far, from engaging SDA directly in the press on Durakovic, however, since we do not want to back him further into a corner. We are not asking you to engage on this issue, which we hope will be favorably resolved before you arrive, but your interlocutors may raise it with you.

Genocide in the Name of the RS

14. (C) In May, I delivered a speech about the opportunity provided by NATO's invitation to participate in an Intensified Dialogue and the signing of an SAA with the EU,

SARAJEVO 00001090 002 OF 004

to lock Bosnia onto a path towards Euro-Atlantic integration. The speech also contained frank messages for Bosniak, Croat and Serb political leaders about their responsibility to chart a course for the greater Bosnian good. A portion of my message to the Serbs was a response to an editorial by RS PM Dodik, which essentially argued that since he and his party were not in power during the war, they were not responsible for addressing its legacies or for implementing reforms necessary to secure Bosnia's Euro-Atlantic future. I was clear that the U.S. rejected the notion of collective guilt, but that we also rejected the notion that the current RS leadership does not have a responsibility to acknowledge the past (something Dodik is reluctant to do) and take steps to address its awful legacy. Dodik publicly attacked the speech, focusing on my observation that genocide was perpetrated in the name of the RS, which he sought to portray as a personal statement. I have emphasized that, since the crime was ordered by Karadzic as the President of the RS and implemented by Mladic as the commander of the RS armed forces, and done to implement the RS stated policy of ethnic cleansing, the statement is valid. You can expect to be asked about it during your press availability. I would be grateful for your explicit endorsement of my statement, if asked.

Dodik, the Serbs and the War

15. (C) Taking a page from the old SDS playbook, Dodik has also sought to recast the history of the 1992-1995 war and revive old myths about Serb suffering. In a May editorial, he argued that the RS was created in response to a 1991 secessionist conspiracy launched by the then Republic of BiH to break up Yugoslavia. (Note: The main purpose of the editorial was to warn Bosniaks that if they failed to accept the RS, Bosnia itself might break up. End Note) Dodik has also provided public backing to RS veteran groups seeking to commemorate 6,000 Serbs killed in Sarajevo by constructing an Orthodox Church above the city on the site of an Army of Republika Srpska (VRS) gun emplacement. (Note: The Research and Documentation Center Sarajevo(RDC) places the total number of Serb civilian deaths in the Sarajevo region at just over 1,000, and an analysis of RDC data makes clear

that these deaths occurred primarily as a result of the VRS siege. RDC, an NGO with no partisan ax to grind, has collected the most reliable data on combatant and civilian casualties during the 1992-1995 war. End Note) All of these comments have been accompanied by a steady drum beat of criticism from Dodik of state-level institutions for failing to address the suffering of Bosnia's Serbs. This has further fueled nationalist sentiment among Serbs and Bosniaks on issues related to the war, and some of these may be raised by your interlocutors or during your press availability.

Continuing RS Attacks on the Judiciary

16. (C) Since your visit last year, Dodik has ratcheted up his rhetorical attacks on state-level judicial institutions: the State Court, the State Prosecutor's Office, and the High Judicial and Prosecutorial Council (HJPC). We have grown increasingly concerned about the tone, frequency, and spurious nature of these attacks, and at the PIC, insisted on communicate language warning political leaders that statements and actions aimed at undermining state-level institutions will impact our assessment about when to close OHR. One of Dodik's favorite themes has been that the Prosecutor's Office and the State Court are biased against Serbs, targeting them for war crimes prosecution, while dragging their feet or ignoring altogether alleged Bosniak war criminals. The Court and the Prosecutor's Office have failed to counter these attacks effectively -- in part because of their understandable reluctance to comment on ongoing investigations; in part because they lack the capacity to do so; in part because their leadership has failed to develop a public relations strategy. You will want to underscore, publicly and privately, our strong support for state-level judicial institutions. At the same time, you will want to make clear privately to the leadership of these institutions, that they must do a better job defending themselves.

SARAJEVO 00001090 003 OF 004

National War Crimes Strategy

17. (C) The adoption of a National War Crimes Strategy, one of the two remaining PIC rule of law objectives that must be fulfilled before OHR transitions to EUSR, remains one of our top justice sector goals in Bosnia. The BiH Minister of Justice is responsible for the strategy, but it is being drafted largely by international secondees in the State Prosecutor's Office. We understand that half of the strategy has been written and is being reviewed by key stakeholders, while drafting is continuing on the other half. Contacts at the State Prosecutor's Office are resisting political pressure from the local and international community (read: OHR) to rush the drafting process. We have made clear to our PIC colleagues and to Bosnian actors that our priority is getting it done right, not just getting it done, a point you should stress in your discussions. At this stage, the draft strategy contains some key elements that we support, such as references to a case selection criterion that is based on a demographic analysis of war crimes committed nation-wide and the need for international agreements with neighboring countries to allow for case and/or evidence transfers. Nonetheless, we are reserving judgment until we see the final. You should stress to Bosnian officials the importance we place on the National War Crimes Strategy.

The Secondee Extension Project

18. (C) State Court President Kreso and Acting Chief Prosecutor Barasin have requested an extension of the international secondees, both for war crimes and organized crime, past the legislatively mandated 2009 deadline.

Newly-installed HJPC President Novkovic and HighRep Lajcak have endorsed their proposal. We understand ICTY President Pocar and Chief Prosecutor Brammertz have endorsed an extension of the secondees working on war crimes. We have been working with the EC Delegation to build international support for the extension, but Minister of Justice Colak, whose ministry must shepherd the necessary amendments through the Council of Ministers (CoM), is reluctant to embrace the idea. Colak has suggested limiting the internationals to a monitoring role and/or extending them only for war crimes, not organized crime. We anticipate strong opposition from other Bosnian politicians to the organized crime extension given that they or their surrogates could be the targets of investigations (i.e. Dragan Covic and Mladen Ivanic). It will be helpful to our efforts if you emphasize Washington's strong support for the secondee extension project, both for war crimes and organized crime, in your exchanges with Bosnian officials. You should encourage Colak to lead on this issue and seek parliamentary approval for the required legislative changes by year's end. This would give the State Court and Prosecutor's Office the lead time they need to address potential staffing gaps and to plan workloads.

Srebrenica Memorial Governing Board

19. (C) Finally, in your meeting with PM Spiric, it would be useful if you stressed the importance we place on the CoM appointing the Governing Board to the Srebrenica-Potocari Memorial Center. The law creating the Center as a state-level institution was imposed in June 2007 by then HighRep Schwarz-Schilling. In April 2008, the CoM finally adopted a decision on the method of election of the Governing Board, including its composition. The RS has been effectively blocking its appointment by refusing to nominate a candidate for the Governing Board's RS representative. RS officials have offered two explanations for their obstructionism: 1) The RS wants the RS police to provide security at the Center rather than the state-level State Protection and Investigation Agency; and, 2) The RS wants the Center registered in the RS, under RS law, but the law is clear that the Center will be registered at a state-level institution under state-level law. In essence, the RS is attempting to force changes to the law establishing the Center by blocking the Governing Board's appointment. You should urge Spiric to engage on the issue and to press his RS colleagues to end their obstructionism and nominate an RS

SARAJEVO 00001090 004 OF 004

representative.
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